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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SENSENIG, SHAUN D

ART UNIT

PAPER NUMBER

4176

NOTIFICATION DATE

DELIVERY MODE

04/30/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

Office Action Summary	Application No. 10/707,799	Applicant(s) FRANKLIN ET AL.	
	Examiner Shaun Sensenig	Art Unit 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figures 1-3 do not comply with 37 C.F.R.

1.84(g) which states:

Margins: The sheets must not contain frames around the sight (i.e., the usable surface), but should have scan target points (i.e., cross-hairs) printed on two cater-corner margin corners. Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch), thereby leaving a sight no greater than 17.0 cm. by 26.2 cm. on 21.0 cm. by 29.7 cm. (DIN size A4) drawing sheets, and a sight no greater than 17.6 cm. by 24.4 cm. (6 15/16 by 9 5/8 inches) on 21.6 cm. by 27.9 cm. (8 1/2 by 11 inch) drawing sheets.

2. The drawings are objected to because the numbering of the figures does not comply with 37 C.F.R. 1.84(u)(1) (Figure 4 not present). 37 C.F.R. 1.84(u)(1) states:

Numbering: The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear

3. The drawings are objected to because there is no Figure 4, and the specification makes a reference to "Fig. 1-5" (0055, line 2).

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 3-5 are objected to because of the following informalities: the term "Claim 1" in the first line of claim 3 appears to have been intended to be --Claim 2--. It will be treated as such for further consideration of the merits. Appropriate correction or clarification is required.

6. Claim 18 is objected to because of the following informalities: the term "live event" in the first line of claim 3 appears to be a misspelling that was intended to be --life event--. It will be treated as such for further consideration of the merits. Appropriate correction or clarification is required.

7. Claims 21, 22, 27, 33, and 40 are objected to because of the following informalities: Lines 4, 10, 17, and 18 in claim 21; lines 3, 9, and 16 in claim 22; line 3 in claim 27; lines 4, 8, 10, 13, 15, and 16 in claim 33; and line 15 in claim 40 use improper capitalization. Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 35-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 35-39 are drawn to a signal, which does not correspond to one of the statutory categories of patentable subject matter.

Claim Rejections - 35 USC § 112, Second Paragraph

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 5, 6, 14, 15, 18, 25, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Regarding claims 5, 6, 18, and 38; the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

12. Regarding claims 5, 6, and 18; the phrase "may" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. The term "life event" in claims 5, 6, 18, 25, 28, 38, and 44 is a relative term which renders the claim indefinite. The term "life event" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

14. Regarding claim 14, lines 11-15 and claim 15, lines 11-15; it is unclear what is being claimed.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 14, 33, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Herdman (US 2002/0002554).

17. Herdman discloses:

18. A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of: presenting to an employer via a wide area network a computer generated display of an expert pre-developed selectable listing of Employee Benefit categories and related information; allowing the employer to select Employee Benefit categories and related information presented on the computer generated display via an input media; and allowing the employer to send selections to a host server for formatting and storing selections on an employer website to an employee website customized based on selections for access by employees via the wide area network (Abstract, lines 11-13).

A method for building via a wide area network a website for communicating employee benefit and policy information to an employee comprising the steps of: providing an input device and a plurality of computer generated displays having prompts operable for initiating a customer inputting via the input device a selection for a benefit category, plan, and question; selecting a benefit category having within the category a

plurality of plans related to said category; selecting a plan having a plurality of questions related thereto from the plurality of plans related to the category; Selecting a question having a plurality of answers related thereto, from the plurality of questions; selecting an answer from the plurality of answers; and providing a completion indication for the categories selected if a plan, question and answer have been selected or a non-completion indication if a plan, question or answer has not been selected (0005, 0008, 0018).

A method for building via the internet a website for communicating Employee Benefit and policy information to an employee comprising the steps of: providing on an employer website from a host server via a wide area network an expert pre-developed listing of Employee Benefit categories and related information from which an employer can select; receiving employer selections from the pre-developed benefit categories and related information to the host server and formatting and storing the categories and related information selected on the employer website to an employee benefit website customized based on employer selections for access by employees via the wide area network; steering employer inputs by prompting employer for the next input required and providing a completion indication when all necessary inputs have been made (0005, 0008, 0012).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1-13, 15-32, 34-39, and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herdman (US 2002/0002554) in view of Hartley et al. (US 2003/0154097).

21. In regards to claims 1, 12, 21, 30, 35, and 41, Herdman discloses:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(a) providing on an employer website a user input platform from a host server via a wide area network operable to allow user to enter a customized listing of Employee Benefit categories and related information from which the employer can select and customize;

(b) receiving employer selections from the customized employer benefit categories and related information to the host server and formatting and storing the categories and related information selected on the employer website to an employee

website customized based on employer selections for access by employees. (0005, 0008, 0012, 0018)

22. Herdman does not explicitly teach the creating of an employee website or the providing of selected information to employees, however, Hartley et al. teaches:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(c) launching the employee website; and providing employees of the employer access to the formatted and stored categories and related information on the employee website where the employee can select specific categories of information. (0006, 0007, 0051)

23. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Herdman so as to have included the elements taught by Hartley et al. in order to increase convenience by producing a system that is tailored to a specific area of information, since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

24. In regards to claim 23, Herdman discloses:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(a) generating an expert pre-developed listing of Employee Benefit categories and related information and formatting and storing the categories and information on a server such that it is accessible via a wide area network to an employer;

(b) establishing an employer log in session network link between the server and a computer interface of the employer and capturing employer selection of benefit categories. (0005, 0008, 0012, 0018, 0057)

Herdman does not explicitly teach the providing of the selected information through an employee website, however, Hartley et al. teaches:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(c) processing employer selections and generating a customized employee website;

(d) and launching the employee website accessible by employees. (0006, 0007, 0051)

25. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Herdman so as to have included the elements taught by Hartley et al. in order to increase convenience by producing a system that is tailored to a specific area of information, since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

26. In regards to claim 27, Herdman discloses:

A method for communicating via the Internet employee benefit and policy information comprising the steps of; providing an input device and a plurality of computer generated displays from a server having prompts operable for initiating an employee inputting employee selections via the input device for a benefit category, plan, and question and said server operable to generate displays operable for displaying an answer based on the category, plan and question selected. (0005, 0008, 0009, 0018)

27. In regards to claim 46, Herdman discloses:

A method for building via the internet a website for communicating Employee Benefit and policy information to an employee comprising the steps of;

(a) providing on an employer website from a host server via a wide area network an expert pre-developed listing of Employee Benefit categories and related information from which an employer can select. (0005, 0008, 0012, 0018)

Herdman does not explicitly teach the providing of the selected information through an employee website, task delegation, or flow-ups, however, Hartley et al. teaches:

A method for building via the internet a website for communicating Employee Benefit and policy information to an employee comprising the steps of;

(b) receiving employer selections from the pre-developed benefit categories and related information to the host server and formatting and storing the categories and related information selected on the employer website to an employee benefit website

customized based on employer selections for access by employees via the wide area network. (0006, 0007, 0051)

(c) and providing on the employer website functionality for sending task delegation email and follow-up email messaging. (0058, 0060)

28. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Herdman so as to have included the elements taught by Hartley et al. in order to increase convenience by producing a system that is tailored to a specific area of information, since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

29. In regards to claims 2-9, 15, 18, 39, and 45, Herdman discloses:

30. A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps: providing on the employer website from a host server via the wide area network an expert pre-developed listing of Employee Policies/procedures and related information from which an employer can select; receiving employer selections from the Policy categories and related information to the host server and formatting and storing the policy categories and related information selected on the employer website to an employee website customized based on employer selections; and providing employees of the employer access to the formatted and stored policy categories and related information on the employee website for viewing where the employee can select specific categories and information to view.

A method for communicating via a wide area network employee benefit and policy information to an employee where providing an expert pre-developed listing includes providing pre-determined questions and answers grouped under and correlated to at least one benefit category.

A method for communicating via a wide area network employee benefit and policy information to an employee where providing an expert developed listing includes providing pre-determined questions and answers in pre-designated policies/procedures.

A method for communicating via a wide area network employee benefit and policy information to an employee where providing an expert pre-developed listing includes providing pre-determined questions and answers which may be correlated to a broader method of storing information such as a life event.

A method for communicating via a wide area network employee benefit and policy information to an employee where providing an expert pre-developed listing includes providing pre-determined questions and answers which may be correlated to a broader method of sorting information such as a life event.

A method for communicating via a wide area network employee benefit and policy information to an employee where receiving employer selections includes receiving employer selections of pre-determined questions and answers correlated to the selected benefit category.

A method for communicating via a wide area network employee benefit and policy information to an employee where receiving employer selections includes receiving

names of plans offered by employer for the selected benefit category.

A method for communicating via a wide area network employee benefit and policy information to an employee where receiving employer selections includes receiving employer defined questions. (0005, 0008, 0012, 0018)

In regards to claim 10, Herdman does not explicitly teach the providing of the selected information through an employee website, however, Hartley et al. teaches:

31. A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of: loading forms and other documents to the employer site; and providing a link to these forms/documents automatically in the answer via a special segment of code. (0006, 0007, 0051)

32. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Herdman so as to have included the elements taught by Hartley et al. in order to increase convenience by producing a system that is tailored to a specific area of information, since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

33. In regards to claims 11 and 32, Herdman discloses:

34. A method for communicating via a wide area network employee benefit and policy information to an employee comprising the step of: providing on a secondary employer website from the host server via the Internet a secondary expert pre-

determined listing of secondary Benefit categories and related information from which the employer can select. (0005, 0008, 0012, 0018)

35. In regards to claims 13 and 31, Herdman discloses:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(a) providing on an employer website a user input platform from a host server via a wide area network operable to allow user to enter a customized listing of Employee Policy categories and related information from which the employer can select and customize;

(b) receiving employer selections from the customized employer policy categories and related information to the host server and formatting and storing the categories and related information selected on the employer website to the employee website customized based on employer selections for access by employees. (0005, 0008, 0012, 0018)

Herdman does not explicitly teach the providing of the selected information through an employee website, however, Hartley et al. teaches:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(c) providing employees of the employer access to the formatted and stored categories and related information on the employee website where the employee can select specific categories of information. (0006, 0007, 0051)

36. In regards to claims 16, 17, 19, 20, 24-26, and 37, Herdman discloses:

A method for communicating via a wide area network employee benefit and policy information to an employee where presenting pre-determined questions includes presenting questions in pre-designated Policies/procedures.

A method for communicating via a wide area network employee benefit and policy information to an employee where allowing the employer to select includes allowing the employer to select pre-determined questions and answers correlated to the selected benefit category.

A method for communicating via a wide area network employee benefit and policy information to an employee where allowing the employer to send selections includes allowing the employer to send employer defined questions. (0005, 0008, 0012, 0018)

37. In regards to claim 22, Herdman discloses:

A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(a) presenting to an employer via a wide area network from a host server a computer-generated display of user input screens of a user input platform operable to allow a user to enter selections from pre-developed a customized listing of Employee Policy categories and related information;

(b) presenting to the employer selections made from the customized employer policy categories and related information via the computer generated display and

presenting the formatted and the stored categories and related information selected on the employer website customized based on employer customized inputs and selections.

Herdman does not explicitly teach the providing of the selected information through an employee website, however, Hartley et al. teaches:

38. A method for communicating via a wide area network employee benefit and policy information to an employee comprising the steps of;

(c) presenting to the employee via an employee generated display providing employees of the employer access to the formatted and stored categories and related information where the employee can select specific categories of information to view.

(0006, 0007, 0051)

39. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Herdman so as to have included the elements taught by Hartley et al. in order to increase convenience by producing a system that is tailored to a specific area of information, since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

In regards to claims 28, 29, and 34, Herdman does not explicitly teach the providing of the selected information through an employee website, however, Hartley et al. teaches:

A method for communicating via the Internet employee benefit and policy information where providing displays is providing displays further having prompts

operable for initiating an employee inputting employee selection for a life event for presenting employee information corresponding to the life event.

A method for communicating via the Internet employee benefit and policy information where providing displays is providing displays further having prompts operable for initiating an employee inputting employee selection for an Employee Grouping for presenting employee information corresponding to the employee grouping.

A method for building via a wide area network a website for communicating employee benefit and policy information to an employee comprising: Launching an employee website having all selections and accessible by employees. (0006, 0007, 0051)

40. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Herdman so as to have included the elements taught by Hartley et al. in order to increase convenience by producing a system that is tailored to a specific area of information, since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

41. In regards to claims 36, 38, and 42-44, Herdman discloses:

A computer data signal embodied in an Internet protocol transmission session, where the code segment including instructions for providing the listing further includes instructions for providing pre-determined questions and answers grouped under and correlated to at least one benefit category.

A computer data signal embodied in an Internet protocol transmission session, where the code segment including instructions for providing pre-determined questions, includes questions correlated to at least one life event.

A network system for assembling and communicating employee benefit and policy information to an employee, where the code segment when executed provide the listing further provide predetermined questions and answers grouped under and correlated to at least one benefit category.

A network system for assembling and communicating employee benefit and policy information to an employee, where the code segment when executed provide predetermined questions, further provide questions in pre-designated groupings based on employee groups.

A network system for assembling and communicating employee benefit and policy information to an employee, where the code segment when executed provide predetermined questions, further provide questions correlated to at least one life event.
(0005, 0008, 0012, 0018)

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are Cooperstone et al. (Pub. No. 2002/002982 A1), Spencer (Patent No. US 6,356,909 B1), McSherry (Pub. No. 2002/0128891 A1), Cooper et al. (Pub. No. 2003/0055391 A1), and Adler et al. (Pub. No. 2003/0200101 A1).

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Examiner, Art Unit 4176
April 22, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176